


MEMO

From: S. Burrell 

To: Water District 34 2005 File

Pc: Bob Duke, WD 34 Watermaster - Mackay

Date: May 11, 2005

Subject: Early Season Potential Futile Deliveries on Moore Canal

On Monday, May 2 at evening Board Meeting, BLRID allocated storage water for a two-day flush of the river (no volume amount is documented). Jay Vaughn Jensen also presented his call for mitigation this evening to the Watermaster. In the proceeding days, requests were made by natural flow users below the Darlington sinks to have their natural flow water rotated into credit under Rule 40.02.d.iii. They're natural flow water was undeliverable, because the river was not live between the Leslie gage and Moore diversion. Rule 40.02.d.iii reads:

If natural flow can not be delivered to a point of diversion at the beginning of the irrigation season and the watermaster determines rotation credit is needed to make possible the delivery of water rights being called for, and there is room in Mackay Reservoir for rotation credit, the watermaster may rotate natural flow rights, which would not otherwise be deliverable to their point of diversion, for credit of up to a combined total of three thousand five hundred (3,500) AF to be released from the reservoir under the control of the watermaster to make natural flow rights deliverable to their point of diversion. The watermaster may use storage water to assist the delivery of natural flow water rights at the beginning of the irrigation season when requested to do so by the storage holder.

Bob Duke interpreted this rule to mean that he had to determine that rotation credit was necessary to accumulate storage volume for a flush to connect the river. Since the irrigation district had allocated some of their storage for the flush, Bob determined rotation credit storage for the flush was not necessary. I (IDWR) concurred with Bob's decision. Water appropriators above the Darlington sinks were rotating water into storage under rule 40.02.a, b, and c.

A lower user (Jay Vaughn Jensen) had requested his natural flow rights be delivered, indirectly through his request for rotation credit storage. Several users had called during this period to express dissatisfaction with not having any rotation credit allowed for the undeliverable rights below the Darlington sinks. The water users were: Seth Beal, Harvey Walker, Mitch Sorensen, and J. Vaughn Jensen. I (IDWR) instructed Bob Duke on Friday morning (May 6) to make an attempt to deliver those rights to the Moore heading. This delivery attempt would entail shutting off all later rights (post 1883) on the Big Lost River and Antelope Creek, and opening up the dam to allow all the natural flow through. Bob completed this action about 3:00 pm Friday. Bob said he cut back all users on Antelope, some of which have senior rights to the 1883 rights on the Moore canal. I (IDWR) instructed him to wait until Monday morning to see if water had connected to the Moore diversion.

Marx Hintze and Dave Nelson called IDWR to express their disagreement with our decision to direct the Watermaster to attempt to deliver water on the Moore. Their rights were shut off for the delivery attempt to Moore.

On Monday morning May 9, the water had not connected to the Moore diversion. Harvey Walker, Mitch Sorensen, and J. Vaughn Jensen all called to express concern that water would still make it given another couple days. I encouraged Bob Duke to leave the headings shut off with post 1883 rights and dam open to allow the natural flow through for another day.

He agreed to continue the delivery attempt until Tuesday morning, in that it had rained, and no injury would really occur to anyone. Rick Reynolds of BLRID's board also called and asked about using some storage to help connect the river. I said that shouldn't be done yet, and we were waiting another day for the natural flow to connect it.

Tuesday morning, May 10, Bob reported that 17 cfs had reached the Moore heading largely due to a doubling of flow in Antelope Creek. Bob would allow Jensen to rotate his water into credit, since it was now deliverable to the POD heading per rule 40.02.d.i. Bob was going to allow post-1883 right holders to begin diverting again, mostly for stockwater, as the ground was saturated due to recent rain. The dam outlet was also to be cut back to reduce outflow to the minimum of about 105 cfs.

Bob Duke requested 100% credit towards mitigation be allowed for the extra 25 cfs that was released during the delivery attempt starting May 6 through 10.